

# **Exhibit A**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In Re: New York City Policing  
During Summer 2020 Demonstrations

20 Civ. 8924 (CM)(GWG)

This filing is related to:

ALL CASES

**PLAINTIFFS' FIRST CONSOLIDATED SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS TO ALL DEFENDANTS**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure and Rule 26.3 of the Local Civil Rules of the United States District Court for the Southern and Eastern Districts of New York, plaintiffs in these consolidated actions<sup>1</sup> (“Plaintiffs”) request that defendants City of New York, Mayor Bill de Blasio, New York City Police Department (“NYPD”) Police Commissioner Dermot F. Shea, and other defendants named in the pleadings in these actions (“Defendants”) produce for examination, inspection and copying, within thirty (30) days of the service hereof, or such shorter time as the Court orders or the parties stipulate, all documents described below at the New York State Office of the Attorney General, Civil Rights Bureau, 28 Liberty Street, 20th Floor, New York, New York 10005, or at such other place or time, or in such other manner, as the parties mutually agree.

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<sup>1</sup> Pursuant to the Court’s February 22, 2021 Order (ECF No. 40), the following cases have been consolidated for pretrial purposes: *Payne, et al, v. Mayor Bill De Blasio*, No. 20 Civ. 8924; *Sierra, et al, v City of New York*, No. 20 Civ. 10291; *Wood v. City of New York*, No. 20 Civ. 10541; *People of the State of New York v City of New York*, No. 21 Civ. 322; *Sow, et al, v. City of New York*, 21 Civ. 533; and *Yates v. City of New York et al*, 21 Civ. 1904. Plaintiffs in all consolidated actions hereby serve their first consolidated set of Requests for Production of Documents to all Defendants in the consolidated actions without prejudice to plaintiffs in any of these actions supplementing these consolidated Requests with additional case-specific Requests for Production of Documents.

### **DEFINITIONS**

1. Plaintiffs incorporate by reference herein the Uniform Definitions in Discovery Requests set out in Rule 26.3(c) of the Local Civil Rules of the United States District Court for the Southern and Eastern Districts of New York (the “Local Civil Rules”).
2. “Arrest” means an Officer’s seizure, detention, or arrest of a person, including but not limited to for the purpose of issuing them a C-Summons (“summons”) or Desk Appearance Ticket (“DAT”) or fully processing them for arraignment.
3. “Complaints” means the Complaint, or any superseding amended Complaint, filed in each of these consolidated actions: *Payne, et al, v. Mayor Bill De Blasio*, No. 20 Civ. 8924; *Sierra, et al, v. City of New York*, No. 20 Civ. 10291; *Wood v. City of New York*, No. 20 Civ. 10541; *People of the State of New York v. City of New York*, No. 21 Civ. 322; and *Sow, et al, v. City of New York*, 21 Civ. 533; *Yates v. City of New York et al*, 21 Civ. 1904 (together, the “Actions”).
4. “Date” means the exact day and time, month, and year if ascertainable, or if not, the best approximation (including relationship to other events).
5. “Defendants” include each and every defendant named in the Complaints.
6. “Document(s)” shall have the full meaning ascribed to it in Rule 34 of the Federal Rules of Civil Procedure and Local Civil Rule 26.3(c), and for purposes of these Requests shall be deemed to include “electronically stored information” (“ESI”) as also defined in Rule 34. Examples of documents include, but are not limited to, all writings in any form, calendars, correspondence, diaries, manuals, memoranda, notes, log entries, reports, records, drawings, graphs, charts, photographs, sound recordings, images, video recordings, telephone records, Bloomberg’s, FINEST messages, electronic mail messages, telephonic text messages (including SMS and MMS, iMessages, WhatsApp messages and

all instant messages sent and received by whatever means or platform), spreadsheets, databases, all other forms of electronic communication, and other data or data compilations of whatever nature stored in any medium (including those from which information can be obtained or translated if necessary into a reasonably useable form). For the avoidance of doubt, document(s) shall include all originals of any nature whatsoever and all non-identical copies thereof, whether different from the originals by reason of any notation made on such copies or otherwise.

7. “Kettling,” “kettling tactics” or “encirclement” means any and all plans, methods, procedures, tactics, strategies, or approaches, by whatever name or characterization, utilized by NYPD to control crowds, address disorderly conduct, and/or effectuate mass arrests and detentions, whether intentional or not, whereby Officers physically surround or otherwise contain members of the public within an area, leaving them few or no routes of egress without direct contact with Officers.
8. “Legal Observer” means an individual who attends a public demonstration to observe and document interactions between law enforcement and demonstrators.
9. “Officer” means a member of service of the NYPD, regardless of rank, including but not limited to any and all officers, detectives, sergeants, lieutenants, captains, chiefs, and/or deputy commissioners.
10. “Person” means any natural person, association, business, group, organization, legal entity, government entity, or other entity.
11. “Protests” means any and all protests, demonstrations, or gatherings at the Protest Locations identified on the **attached Schedule A** and/or referenced in any of the Complaints.

12. “Protest-Related Violation or Offense” means an alleged violation of any of the following laws during a demonstration or protest: New York State Vehicle and Traffic Law (“VTL”) Section 1156(a) (Pedestrians in Roadways); New York State Penal Law (“PL”) Section 240.05 (Riot in the Second Degree); PL Section 240.10 (Unlawful Assembly); PL Section 205.30 (Resisting Arrest); PL Section 195.05 (Obstruction of Governmental Administration in the Second Degree); PL Section 240.20(5) (Disorderly Conduct – Blocking Vehicular or Pedestrian Traffic); PL Section 240.20(6) (Disorderly Conduct – Refusing to Obey a Lawful Dispersal Order); New York City Administrative Code (“NYAC”) Section 3-108 (Executive Order Violation); and NYAC Section 10-110(c) (Parading Without a Permit), and any other offenses with which any individual who participated in any Protested was actually Arrested for and/or charged.

### **INSTRUCTIONS**

1. In addition to following the rules of construction in Rule 26.3(d) of the Local Civil Rules, whenever necessary to bring within the scope of these Requests Documents that might otherwise be construed to be outside its scope: (a) the use of a verb in any tense shall be construed as the use of that verb in all other tenses; and (b) the use of the feminine, masculine, or neuter genders shall include all genders.
2. No paragraph herein shall be construed with reference to any other paragraph for the purpose of limitation.
3. Unless otherwise indicated, the relevant time period for purposes of these Requests is between January 1, 2018, and the present.
4. All Documents shall be produced in the manner in which they are maintained in the usual course of business. A request for a Document shall be deemed to include a request for any and all file folders or binders within which the Document was contained, transmittal

sheets, cover letters, exhibits, enclosures, or attachments to the Document in addition to the Document itself.

5. Any Request that calls for production of specific documents or forms where the information contained within such documents or forms is maintained in electronic databases or similar repositories, Plaintiffs request production of the underlying data in lieu of the documents or forms themselves, unless the documents or forms contain additional or unique information, in which case the Request encompasses both the underlying data and the documents and forms.
6. Provide all ESI in the forms and manner specified in the **attached Schedule B** - ESI Production Specifications.
7. In the event Defendants withhold any Document called for by these Requests on the basis of a claim of privilege, Defendants shall provide the information required by Rule 26.2 of the Local Civil Rules.
8. In the event that any Document called for by these Requests has been destroyed or discarded, Defendant shall provide an affidavit by a person with personal knowledge identifying the Document so lost, discarded, or destroyed as completely as possible, providing at least the following information: (i) the type of Document withheld; (ii) any author, addressor and/or addressee; (iii) any indicated or blind copy recipients; (iv) the Document's date, subject matter, number of pages, and attachments or appendices; (v) all persons to whom the Document was distributed, shown or explained; (vi) the Document's date of destruction or discard, manner of destruction or discard, and reason for destruction or discard; and (vii) the persons authorizing and carrying out such destruction or discard.

9. If objection is made to any of the Requests, the response shall state whether documents are being withheld from inspection and production on the basis of such objection, or whether inspection and production of the responsive Documents will occur notwithstanding such objection.
10. If there are no Documents responsive to any particular request, the response shall state so in writing.
11. These Requests are continuing in nature. In accordance with Rule 26(e) of the Federal Rules of Civil Procedure, Defendants are required promptly to serve supplementary responses and produce additional documents if Defendants obtain further or different information.

### **DOCUMENTS REQUESTED**

#### **Request No. 1:**

Provide all Documents concerning policies, procedures, directives, and training materials promulgated by NYPD relating to Officers' treatment of and response to demonstrations and protests (including mass protests), crowd control, crowd management, and/or "disorder control" that were created and/or in force prior to May 28, 2020, including, but not limited to, policies concerning:

- a) Officers' use of tactics or objects to control crowds during a demonstration or protest;
- b) Officers' use of force during a demonstration or protest;
- c) Use of force reporting and investigations related to uses of force during a demonstration or protest;
- d) Officers' use of batons or other instruments during a demonstration or protest;

- e) Officers' tactical use of other objects, such as shields and bicycles, during a demonstration or protest;
- f) Officers' use of Oleoresin Capsicum (also known as "OC" or "pepper spray") during a demonstration or protest;
- g) Technical Assistance Response Unit ("TARU") video and audio recording related to a demonstration or protest;
- h) Strategic Response and Strategic Response Group ("SRG") operations;
- i) Disorder Control Training;
- j) Officers' use of body worn cameras during a demonstration or protest;
- k) Officers' use of zip-ties or flex cuffs during a demonstration or protest;
- l) Officers' use of Kettling during a demonstration or protest;
- m) Officers' interaction with, and treatment of, Legal Observers during a demonstration or protest;
- n) Officers' interaction with, and treatment of, journalists, reporters, photographers, and members of the press during a demonstration or protest;
- o) Officers' enforcement of any applicable curfews in place during a demonstration or protest;
- p) Incident command, chain of command, and command and control during a demonstration or protest;
- q) Facilitation, accommodation, and escort of demonstrations or protests;
- r) First Amendment, Fourth Amendment, and Fourteenth Amendment principles applicable to policing demonstrations or protests, including the requirements that content-neutral restrictions on speech are narrowly tailored and provide ample alternatives for



expression, as well as the need to provide fair warning before making certain Arrests or engaging in certain uses of force;

- s) The need to give dispersal orders and a meaningful opportunity to comply with them before making certain Arrests at a demonstration or protest;
- t) Policies, procedures, or protocols relating to racial profiling;
- u) Officers' use of race in law enforcement decisions and/or implicit bias;
- v) Officers' use of racial slurs or epithets;
- w) Officers' affiliation with or participation in groups or website that promote racists views;
- x) Officers' Arrest of individuals during a demonstration or protest, including procedures for effecting and processing large-scale or mass arrests;
- y) Probable cause to Arrest for a Protest-Related Violation or Offense;
- z) Discretion to Arrest for a Protest-Related Violation or Offense;
- aa) When to process an Arrest for a Protest-Related Violation or Offense for release with a summons or Desk Appearance Ticket, or for arraignment, including during a demonstration or a protest;
- bb) Officers' transportation of people Arrested during or after a demonstration or protest;
- cc) Officers' use of mass or large-scale arrest processing (including the use of a Mass Arrest Processing Center), including related to a demonstration or a protest;
- dd) Officers' provision of medical aid to civilians injured during a demonstration or protest;
- ee) Officers' wearing of face coverings when interacting with the public during or after a demonstration or protest, including during arrest processing; and
- ff) Any other policies, procedures, directives or training associated with policing large-scale events, including protests, demonstrations, and events involving civil disobedience.

**Request No. 2:**

Provide all Documents concerning policies, procedures, directives, and training materials promulgated by NYPD during or after the Protests and relating to any and all subjects described in **Request No. 1**, including but not limited to training provided during or after October 2020, including recordings of such training, and any critique, evaluation, or review of the effectiveness of such training.

**Request No. 3:**

Provide all Documents concerning policies, procedures, directives, and training materials relating to any and all subjects described in **Request No. 1** promulgated during or following any protest events in the past 10 years concerning the deaths of persons in police custody or whose deaths were otherwise caused by an Officer, including, but not limited to, Ramarley Graham, Akai Gurley, Eric Garner, Delrawn Small, and Sean Bell.

**Request No. 4:**

Provide all Documents concerning policies, procedures, directives, and training materials relating to any and all subjects described in **Request No. 1** promulgated during or following protests regarding the 2004 Republican National Convention or any of the lawsuits related to the policing of those protests.

**Request No. 5:**

For any and all training materials, presentations, or other similar materials responsive to **Request Nos. 1-4** above, Documents sufficient to identify the dates trainings were held, all persons who attended, any statistical reports of the ranks of members of the service that attended, and any certifications issued to such attendees.

**Request No. 6:**

For each Officer identified in response to **Interrogatory No. 1 in Plaintiffs' First Consolidated Set of Interrogatories to All Defendants**, provide Documents sufficient to show whether and, if so, the date(s) that the Officer received training related to the subjects described in **Request No. 1**.

**Request No. 7:**

For each Protest Location listed in the **attached Schedule A**, Documents sufficient to identify the intended roles or functions, deployments, commands, and instructions provided to each and every Officer who was assigned to, or who responded to, the Protest Location, including but not limited to documents identifying:

- a) The commanding Officer for each location;
- b) The full name, shield number, tax identification number, assigned command, and rank of each Officer deployed;
- c) Each Officer's assignment post, including the assignment address and borough;
- d) Any and all Officers assigned to supervise or oversee such deployment;
- e) Any attorneys from either the NYPD or the NYC Law Department at each location;
- f) All Threat Response Inquiry ("TRI"), Officer Injury Reports, Complaints, or other written documentation of any kind related to such deployment;
- g) All Unusual Incident or Occurrence Reports (PD370-152; UF-49);
- h) All instructions or directives regardless of form regarding police equipment and uniforms (including disorder control gear, face coverings, and so-called "mourning bands") to be worn or possessed by Officers during the assignment;

- i) Any communications relating to the decision to deploy Officers from the SRG and any instructions or directives provided to the SRG or Officers assigned to such deployments.

**Request No. 8:**

For each Protest listed on the **attached Schedule A**, provide the following Documents:

- a) Any and all intelligence reports, threat assessments, and information compiled and/or reviewed in advance of and during the Protests, including all Documents reflecting Officers' planning for policing the Protests, and any spreadsheets or other lists of "scheduled" and "unscheduled" events during the time period surrounding each Protest;
- b) Any and all communications, tactical decisions, intelligence alerts, policies or other directives issued by any Officer as a result of such intelligence reports, assessments, or other information pertaining to the Protests;
- c) News clips, social media postings, and internet links gathered by the NYPD, including but not limited to such information and records gathered or created by the Office of the Deputy Commissioner for Public Information ("DCPI"), the Intelligence Division, or otherwise, related to any Protest;
- d) Requests for detail, Operations Unit (including Detail Section) records, "204s", "Who's Who," "Force Figures," "Detail Overview," roll calls, tactical plans, detail rosters, assignment sheets, internal communications, and other documents) concerning NYPD's deployment or assignment of Officers and resources relating to the Protests;
- e) Command Log(s) and other records created as a result of or related to the operation any Incident Command Post utilized in connection with policing a Protest;
- f) Records reflecting whether and, if so, by whom, when, and to what extent, dispersal orders or other warnings and opportunities to disperse or comply were given before

enforcement action was taken at each Protest where force was used or detentions or Arrests were made;

- g) All To/From Memoranda, Unusual Occurrence Reports, U.F. 49s, Mass Arrest Reports and/or any other Documents consisting of summaries, reviews, recaps, evaluations, critiques, after-action reports, or other reports following any Protest, including but not limited to Joint Operations Center reports;
- h) All videos, including TARU videos, bodyworn camera videos, and Aviation Unit videos;
- i) All audio recordings, including audio recordings of NYPD Citywide and other radio communications;
- j) SPRINT reports related to recorded communications (and documents sufficient to decipher such SPRINT reports);
- k) Internal NYPD communications, including, but not limited to, e-mails, text messages, records regarding telephone calls made or received;
- l) Any and all TRI Reports, and any and all Incident Worksheets (PD370-154), and any and all TRI Incident-Investigating Supervisor's Assessment Reports (PD370-154A), any and all TRI Interaction Reports, all Unusual Incident Reports, including any and all other Documents relating to such reports and worksheets;
- m) Command Log(s) from each arrest processing location to which a person arrested in connection with a Protest was brought, including any Mass Arrest Processing Center ("MAPC");
- n) MAPC intake and processing records;

- o) Documents sufficient to identify all Arrests by Officers based on alleged conduct occurring at each Protest Location, including Documents sufficient to identify the number of such Arrests voided by the NYPD;
- p) For any Officer who was injured during any Protest, any related Line of Duty injury paperwork, including but not limited to AIDED Report(s), witness statement(s), and medical records;
- q) For any non-Officer injured related to a Protest, all records related to such injury, including any AIDED Report, Medical Treatment of Prisoner Form, Central Booking Medical Screening Form, Ambulance Call Report, Computer Aided Dispatch, FDNY Pre-Hospital Care Report, and other documents related to such injury;
- r) Documents concerning press inquiries received by Defendants and/or press releases or statements to the press made by individual Defendants or their agents related to any Protest, including such statements made in electronic communications such as e-mail or text messages.

**Request No. 9:**

For each person identified in response to **Interrogatory No. 6 in Plaintiffs' First Consolidated Set of Interrogatories to All Defendants**, provide the following Documents:

- a) Any and all records created by Officers related to each person Arrested, including all arrest processing paperwork;
- b) Online Booking System ("OLBS") Report (including handwritten/scratch version);
- c) Online Booking System Arrest Worksheet (PD244-159) (including handwritten/scratch version);
- d) Arrest Report – Supplement (PD244-157);

- e) Prisoner Pedigree Card (PD244-092);
- f) Arrest processing photographs, including digital movement slips and photographs taken as part of NYPD large-scale or mass arrest processing;
- g) Mass Arrest Pedigree Label (244-093);
- h) Complaint Report (313-152) (including handwritten/scratch version);
- i) Complaint Report Worksheet (313-152A) and Omniform Complaint Revision(including handwritten/scratch versions);
- j) Online Prisoner Arraignment (“OLPA”) Report;
- k) Property Clerk Invoice (521-141);
- l) Records reflecting the disposition of property recorded in each such Property Clerk Invoice;
- m) Medical Treatment of Prisoner (244-150);
- n) Activity Logs (112-145) and other similar logs for the tour during which the incident occurred for any and all Officers involved;
- o) Scratch and/or memo book or activity log entries for any and all officers involved;
- p) C-Summons;
- q) Desk Appearance Ticket (PD 260-121);
- r) Desk Appearance Ticket Investigation Sheets (360-091);
- s) Records provided to any local prosecutor;
- t) DA Datasheets;
- u) Decline to Prosecute Forms;
- v) Criminal Court Complaint; and

- w) Body worn camera footage associated with their Arrest, including associated audit trails and activity logs.

**Request No. 10:**

For each Protest Location listed in the **attached Schedule A**, provide Documents sufficient to identify all persons stopped by Officers during the Protests, including:

- a) the date, time, and location of the encounter;
- b) the name, rank, shield number, and command of any and all Officers involved;
- c) the supervising Officer that made the decision and/or gave the order to stop the person;
- d) the identity of the person stopped; and
- e) the total number of stops disaggregated by race, date the stops occurred, and the precinct of the Officers involved.

**Request No. 11:**

For each Protest Location listed in the **attached Schedule A**, provide Documents sufficient to identify all Arrests by Officers at such Protest Location, including but not limited to:

- a) the total number of Arrests;
- b) the total number of summonses related to those Arrests issued disaggregated by race, date the summons was issued, and the command of the issuing Officers;
- c) the total number of DATs issued related to those Arrests disaggregated by race, date the DAT was issued, and the command of the issuing Officers;
- d) the total number of arrests processed on-line related to those Arrests disaggregated by race, date of arrest, and the command of the arresting Officers;
- e) the summons number, DAT number, and/or arrest number associated with each Arrest;



- f) the full name, shield number, and tax identification number of the issuing or arresting Officer;
- g) the identity of the person Arrested;
- h) location where the Arrest occurred (*i.e.*, borough and address);
- i) length of time of custodial detention, including date and time of stop and date and time of release;
- j) criminal charge(s); and
- k) disposition of any such charge(s).

**Request No. 12:**

Provide all Documents relating to policies, procedures, directives, and training materials regarding use of force reporting and investigation, including the completion of the TRI Incident Worksheets (370-154) and the TRI Incident-Investigating Supervisor's Assessment Reports (370-154A), including but not limited to the Data Entry Guide for Threat, Resistance or Injury (TRI) Incident Worksheet (SP542).

**Request No. 13:**

For each Protest Location listed in the **attached Schedule A**, provide Documents sufficient to identify each and every use of force by an Officer, including but not limited to information sufficient to show:

- a) the type of force used;
- b) date/time when used;
- c) the full name, shield number, and tax identification number of the Officer using force;
- d) the assigned command of the Officer using force;
- e) supervising Officer(s);

- f) whether the Officer was on-duty or off-duty;
- g) the location where the incident occurred (including borough);
- h) the race and gender of individual against whom force was used; and
- i) the factual circumstances surrounding the force used.

**Request No. 14:**

For each Protest Location listed in the **attached Schedule A**, provide all Documents concerning any incidents currently or formerly under investigation or referred for internal investigation by the NYPD (including but not limited to the Internal Affairs Bureau (“IAB”), the Chief of Department (“COD”), Department Advocates Office, Office of the Chief of the Department, Risk Management Bureau, and/or Patrol Bureau Investigations) including all related complaints, log entries, record reviews, video and audio recordings, all recordings of interrogations of the members of service, interviews of any and all non-members of service as well as members of services, body-worn camera footage and associated audit trails and activity logs, and radio transmissions, TARU recordings and any other recordings (such as Argus videos) and/or, and any other Documents collected, considered, or reviewed, and any determinations, disciplinary recommendations, settlement offers, case analysis, or other outcome recommendations made by any person within the NYPD with respect to any occurrence that happened at such Protest Location.

**Request No. 15:**

For each Protest Location listed in the **attached Schedule A**, provide all Documents concerning any incidents currently or formerly under investigation or referred for investigation by the Civilian Complaint Review Board (“CCRB”) including all related complaints, video (including Argus video) and audio recordings, body-worn camera footage and radio transmissions,

investigator notes and reports, and any other Documents collected, considered, or reviewed, and any determinations, disciplinary recommendations, or other outcome recommendations made by the NYPD or CCRB with respect to any occurrence that happened at such Protest Location.

**Request No. 16:**

For each Officer identified in response to **Interrogatory Nos. 8 and/or 9 in Plaintiffs' First Consolidated Set of Interrogatories to All Defendants**, all personnel-related records in the possession of the NYPD or the City of New York, including but not limited to:

- a) Records reflecting the Officer's histories as to CCRB and IAB investigations, as well as underlying records;
- b) The Academy Transcript and all training logs and other records reflecting the NYPD training each Officer received at the NYPD Academy and after graduating the NYPD Academy;
- c) Central Personnel Index ("CPI") file records or similarly defined records;
- d) Any and all records concerning internal NYPD disciplinary action, letters in the personnel file, command discipline, chares and specifications, transfers, and/or warnings and admonishments;
- e) Performance profiles, or similarly defined records;
- f) Psychological Services Unit ("PSU") records or similarly defined records;
- g) Risk Assessment Information Liability System ("RAILS") records;
- h) Early warning or intervention records or similarly defined records;
- i) Supervisor complaint reports or command discipline election reports;
- j) Any and all letters requesting sealing of disciplinary records or charges;
- k) Any and all documents related to performance monitoring;

- l) *Giglio* profiles and/or similar resume providing information regarding all internal NYPD and CCRB complaints, investigations, and dispositions, including the Police Commissioner's case analysis;
- m) Records from the Internal Affairs Bureau, Inspectional Services Division, Office of the Chief of the Department, or Department Advocates Office;
- n) The caption, complaint, and records reflecting the disposition of any and all lawsuits against each such Officer;
- o) To the extent not covered in the preceding sub-paragraphs, all Documents relating to any civilian or departmental-generated complaints of police misconduct, dereliction of duty or violation of the New York State penal laws or regulations of the NYPD, including but not limited, physical brutality, verbal abuse, and violence or abuse.

**Request No. 17:**

Provide all Documents concerning Officers receiving discipline for misconduct occurring during the Protests, or who have been recommended to receive discipline for such misconduct.

**Request No. 18:**

Provide all Documents concerning communications from May 25, 2020 to present between and among any and all NYPD personnel and personnel of the Office of the Mayor, including Mayor de Blasio or his designees, and the Mayor's Office of Criminal Justice, regarding NYPD's planning for and response to any protest anticipated to take place in New York City following the death of George Floyd, including but not limited to the Protests.

**Request No. 19:**

Provide all Documents concerning communications about any protest anticipated to take place in New York City following the death of George Floyd, including but not limited to the Protests,

from May 25, 2020 to present, by Defendants Mayor de Blasio, Commissioner Shea, Chief Monahan, and all Borough Commanders, and Deputy Commissioner of Intelligence John Miller.

**Request No. 20:**

Provide all documents received by, referenced, or reviewed by Mayor de Blasio, Commissioner Shea, and/or Chief Monahan, Borough Commanders, Deputy Commissioner of Intelligence John Miller, and Incident Commanders documenting occurrences and/or interactions between Officers and civilians at any and all Protest Locations from May 28, 2020, to present.

**Request No. 21:**

For each Protest Location listed in the **attached Schedule A**, provide all communications between and among any Officers supervising, commanding, or otherwise directing NYPD's response to the Protests at each Protest Location, including but not limited to communications between and among Borough Commanders, SRG Command, and Deputy Commissioner of Intelligence John Miller.

**Request No. 22:**

Provide all Documents, including all non-privileged communications, in Defendants' possession custody, or control concerning the December 30, 2020 Corporation Counsel Report Pursuant to Executive Order 58 (June 20, 2020) Directing an Analysis of Factors Impacting the George Floyd Protests in New York City, including any and all Documents received or reviewed by Corporation Counsel in preparing such report.

**Request No. 23:**

Provide all Documents, including all non-privileged communications, in Defendants' possession custody, or control concerning the December 2020 Report by the New York City Department of

Investigation (“DOI”) titled: Investigation into NYPD Response to the George Floyd Protests, including any and all Documents received or reviewed by DOI in preparing such report.

**Request No. 24:**

Provide all Documents concerning any communications between any NYPD personnel, including from the Community Affairs Bureau and/or any other neighborhood policing liaisons and organizers of the Protests.

**Request No. 25:**

Provide all Documents concerning reports, reviews, communications, discussions, assessments, and analyses, including but not limited to after-action reviews, Sentinel Event reviews, post-mortem reviews, and project debriefs, concerning the NYPD’s deployment of officers to protests related to Occupy Wall Street (2011-2012) and in response to the death of Eric Garner (2014-2015).

**Request No. 26:**

Provide all Documents concerning the decision by then-District Judge Richard Sullivan concerning defendant Monahan’s actions as reported in *Dinler v. City of New York*, No. 04 Civ. 7921 (RJS) (JCF), 2012 U.S. Dist. LEXIS 141851, at \*27-39 (S.D.N.Y. Sept. 30, 2012), including but not limited to discipline of defendant Monahan, changes in policies, directives, orders, and/or instructions concerning group arrests.

**Request No. 27:**

Provide all Documents concerning the jury’s verdict against defendant Monahan in *Abdell v. City of New York*, No. 05 Civ. 8453 (RJS) (S.D.N.Y.), including but not limited to discipline of defendant Monahan.

**Request No. 28:**

Provide all Documents concerning the payment of the punitive damages awarded in *Abdell v. City of New York*, No. 05 Civ. 8453 (RJS) (S.D.N.Y.).

**Request No. 29:**

Provide all Documents concerning any disciplinary action taken regarding Deputy Inspector Edward Winski concerning his actions during Occupy Wall Street protests, which were the subject of several litigations: *Vincent v. Winski*, No. 14 Civ. 7744; *Gersbacher v. Winski*, No. 14 Civ. 7600.

**Request No. 30:**

Provide all Documents concerning any complaint made to, or investigation by the NYPD or CCRB, of any NYPD officer displaying a “white power” symbol during any of the Protests listed on the **attached Schedule A**.

**Request No. 31:**

Provide all Documents concerning any complaint made to or investigation by the NYPD or CCRB, of any NYPD officer for making racist statements or for racist conduct, including but not limited to, racial profiling.

**Request No. 32:**

Provide all Documents concerning any investigation into, or assessments of, NYPD officers’ possible affiliations with racist or white supremacist organizations, including but not limited to IAB, Intelligence or Anti-terrorism unit investigations or assessments.

**Request No. 33:**

Provide all Documents concerning investigations into, or assessments of, NYPD officers’ possible affiliations with Proud Boys, Oath Keepers, Three Percenters, or other far-right or neo-

Nazi organizations, including but not limited to IAB, Intelligence or Anti-terrorism unit investigations or assessments.

**Request No. 34:**

All Documents concerning any investigation into NYPD officers' participation in online far-right/racist message boards, such as the Law Enforcement Rant site Deputy Inspector James Kobel posted on (*see Sierra* First Amended Complaint at ¶¶ 166-168).

**Request No. 35:**

Provide all Documents concerning any discipline of any NYPD officer for use of racist language during the Protests.

**Request No. 36:**

Provide all Unusual Incident reports (UF-49s), after-action reports, to/from memoranda, and Mass Arrests Reports, made or maintained at any time, concerning the following protests:

- a) World Economic Forum protests in 2002;
- b) Republican National Convention protests in 2004;
- c) Occupy Wall Street in 2011 and 2012;
- d) Black Lives Matter protests between 2013 and 2020;
- e) Pro-Trump car caravans on November 1, 2020.

**Request No. 37:**

Provide all Documents concerning complaints, made at any time, alleging NYPD excessive force and use of racial epithets during policing of each protest listed in **Request No. 36**.

**Request No. 38:**

Provide all Documents sufficient to identify all Arrests effected by Officers at each protest listed in **Request No. 36**, including the following information:



- a) the total number of Arrests;
- b) the total number of summonses related to those Arrests issued disaggregated by race, date the summons was issued, and the command of the issuing Officers;
- c) the total number of DATs issued elated to those Arrests disaggregated by race, date the DAT was issued, and the command of the issuing Officers;
- d) the total number of arrests processed on-line related to those Arrests disaggregated by race, date of arrest, and the command of the arresting Officers;
- e) the summons number, DAT number, and/or arrest number associated with each Arrest;
- f) the full name, shield number, and tax identification number of the issuing or arresting Officer;
- g) the identity of the person Arrested;
- h) location where the Arrest occurred (*i.e.*, borough and address);
- i) length of time of custodial detention, including date and time of stop and date and time of release;
- j) criminal charge(s); and
- k) disposition of any such charge(s).

**Request No. 39:**

Provide all Documents reflecting NYPD policies and practices in effect during the Protests regarding who is authorized to determine when a person related to a protest or demonstration may be released with a Summons or DAT, including any relevant NYPD Patrol Guide provisions.

**Request No. 40:**

Provide all Documents reflecting NYPD policies and practices in effect during the Protests regarding the steps involved in processing an Arrest for a Protest-Related Violation or Offense outside of a protest or demonstration.

**Request No. 41:**

Provide all Documents reflecting NYPD policies and practices in effect during the Protests regarding the steps involved in processing an Arrest for a Protest-Related Violation or Offense related to a protest or demonstration.

**Request No. 42:**

Provide the Academy Transcript and all training logs and other records reflecting the NYPD training each named Defendant received at the NYPD Academy and after graduating the NYPD Academy.

**Request No. 43:**

For each and every dataset produced pursuant to these Requests or in response to any of Plaintiffs' Interrogatories, provide any and all data dictionaries identifying and defining all terms and codes used in each field of the dataset.

**Request No. 44:**

Provide all documents identified or relied upon in responding to Plaintiffs' Interrogatories served in these Actions.

Dated: March 25, 2021

/s/ Travis W. England

Jessica Clarke

*Chief of Civil Rights Bureau*

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**Schedule A: List of Protest Locations<sup>2</sup>**

<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
1	May 28, 2020	Lafayette Street to City Hall, Manhattan	<i>People</i> , ¶ 51 <i>Sow</i> , ¶ 65
2	May 28, 2020	Union Square, Manhattan	<i>People</i> , ¶¶ 128-132 <i>Payne</i> , ¶ 44 <i>Sow</i> , ¶ 65
3	May 29, 2020	Foley Square Manhattan to Near Barclays Center, Brooklyn via Brooklyn Bridge	<i>People</i> , ¶¶ 52, 193-195, 196-202 <i>Payne</i> , ¶ 45 <i>Sow</i> , ¶ 65 <i>Wood</i> , ¶¶ 45-47
4	May 29, 2020	Clinton Hill, Brooklyn	<i>People</i> , ¶¶ 52, 133-140, 223-226
5	May 29, 2020	Fort Greene, Brooklyn	<i>People</i> , ¶ 52
6	May 29, 2020	Bedford-Stuyvesant, Brooklyn (Herbert von King Park), Brooklyn	<i>People</i> , ¶¶ 141-149, 161-163
7	May 29, 2020	Pacific Street and Flatbush Avenue, Brooklyn	<i>People</i> , ¶¶ 215-219 <i>Wood</i> , ¶¶ 48-50
8	May 29, 2020	Union Square, Manhattan	<i>People</i> , ¶ 52
9	May 29, 2020	Herald Square, Manhattan	<i>People</i> , ¶ 52
10	May 30, 2020	Jackson Heights, Queens	<i>People</i> , ¶ 53
11	May 30, 2020	Park Slope, Brooklyn	<i>People</i> , ¶ 53
12	May 30, 2020	East Flatbush, Brooklyn	<i>People</i> , ¶¶ 53, 312-317 <i>Sow</i> , ¶ 67
13	May 30, 2020	Near Bedford & Tilden Aves., Brooklyn	<i>People</i> , ¶¶ 178-192, 235-236
14	May 30-31, 2020	Barclays Center to Flatbush Extension, Brooklyn	<i>People</i> , ¶¶ 203-207, 107-114 <i>Payne</i> , ¶¶ 47-48, 107-115
15	May 30, 2020	Harlem / West Side Highway, Manhattan	<i>People</i> , ¶¶ 402-407
16	May 30, 2020	Union Square to FDR Drive/Lower East Side, Manhattan	<i>Payne</i> , ¶¶ 50, 117-123 <i>Sow</i> , ¶¶ 130-151
17	May 30, 2020	City Hall to Brooklyn Bridge, Manhattan	<i>Sow</i> , ¶¶ 152-177
18	May 31, 2020	Near Barclays Center, Brooklyn	<i>People</i> , ¶ 54 <i>Sow</i> , ¶ 68

<sup>2</sup> The allegations listed in this table reference those in the Amended Complaints in *People*, No. 21 Civ. 322 (ECF No. 51), *Payne*, No. 20 Civ. 8224 (ECF No. 54), *Sierra*, No. 20 Civ. 10291 (ECF No. 38), *Sow*, 21 Civ. 533 (ECF No. 49) and *Wood*, 20 Civ. 10541 (ECF No. 48) and the Complaint in *Yates*, No. 21 Civ. 1904 (ECF No. 1).

<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
19	May 31, 2020	Downtown Brooklyn to multiple bridges	<i>People</i> , ¶ 54
20	May 31, 2020	Brooklyn Bridge	<i>People</i> , ¶ 54
21	May 31, 2020	From Manhattan Bridge to Chinatown, Church Avenue, and/or across Canal Street, Manhattan	<i>People</i> , ¶ 54 <i>Yates</i> , ¶¶ 13-21 <i>Wood</i> , ¶¶ 51-54
22	May 31, 2020	Near Williamsburg Bridge, Manhattan	<i>People</i> , ¶ 54
23	May 31, 2020	Broadway to E. 11 <sup>th</sup> St. & Near Union Square, Manhattan	<i>People</i> , ¶¶ 155-160, 231-234  <i>Payne</i> , ¶¶ 125-130
24	May 31, 2020	Times Square, Manhattan	<i>People</i> , ¶ 54
25	May 31, 2020	F.D.R. Drive, Manhattan	<i>People</i> , ¶¶ 208-210
26	June 1, 2020	Midtown, Manhattan	<i>People</i> , ¶¶ 55, 227-230 <i>Payne</i> , ¶ 53 <i>Sow</i> , ¶¶ 208-219
27	June 1, 2020	East Village, Manhattan	<i>People</i> , ¶ 55
28	June 1, 2020	Near Union Square Park, Manhattan	<i>People</i> , ¶ 55 <i>Payne</i> , ¶ 53
29	June 1, 2020	Near Barclays Center, Brooklyn, Crossing Manhattan Bridge into Times Square & Near Port Authority, Manhattan	<i>People</i> , ¶ 55 <i>Sow</i> , ¶¶ 180-206
30	June 1, 2020	Fordham Manor, Bronx	<i>People</i> , ¶ 55
31	June 1, 2020	Astoria Park, Queens	<i>People</i> , ¶ 55
32	June 1, 2020	Flushing, Queens	<i>People</i> , ¶ 55
33	June 2, 2020	Lower Manhattan/Foley Square to Central Park, Manhattan	<i>People</i> , ¶¶ 56, 318-323 <i>Payne</i> , ¶¶ 131-136
34	June 2, 2020	Union Square, Manhattan	<i>People</i> , ¶¶ 56
35	June 2, 2020	Near Barclays Center, Brooklyn to Manhattan Bridge	<i>People</i> , ¶¶ 330-336
36	June 2, 2020	Upper West Side, Manhattan	<i>People</i> , ¶¶ 56, 423-430
37	June 2, 2020	Astor Place, Manhattan	<i>People</i> , ¶ 56
38	June 2, 2020	Chelsea, Manhattan	<i>People</i> , ¶ 56 <i>Payne</i> , ¶ 54
39	June 2, 2020	Near West Side Highway, Manhattan	<i>Payne</i> , ¶ 54 <i>Sow</i> , ¶¶ 220-237, 239-282
40	June 2, 2020	Bryant Park to Midtown, Manhattan	<i>People</i> , ¶ 57 <i>Wood</i> , ¶¶ 55-59
41	June 3, 2020	Cadman Plaza, Brooklyn	<i>People</i> , ¶¶ 57, 164-168, 337-346 <i>Payne</i> , ¶¶ 55, 143-159

<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
			<i>Sow</i> , ¶ 83 <i>Wood</i> , ¶¶ 65-66
42	June 3, 2020	Maria Hernandez Park, Brooklyn	<i>People</i> , ¶ 57
43	June 3, 2020	Midtown East/Upper East Side, Manhattan	<i>People</i> , ¶¶ 57, 237-246, 347-354 <i>Sow</i> , ¶ 84-85, 284-309 <i>Wood</i> , ¶¶ 60-64
44	June 4, 2020	Mott Haven, Bronx	<i>People</i> , ¶¶ 58, 169-170, 247-255, 284-310, 366-387 <i>Wood</i> , ¶¶ 116-167 <i>Payne</i> , ¶¶ 59-65, 161-173, 182-192, 194-200 <i>Sierra</i> , ¶¶ 41-124 <i>Sow</i> , ¶¶ 86-93, 310-329, 332-345, 348-390, 392-418
45	June 4, 2020	McCarren Park to South Williamsburg, Brooklyn	<i>People</i> , ¶¶ 355-365 <i>Payne</i> , ¶¶ 58, 202-206 <i>Wood</i> , ¶¶ 67-68 <i>Sow</i> , ¶ 84-85
46	June 4, 2020	Clinton Hill and Prospect Heights, Brooklyn	<i>People</i> , ¶ 59
47	June 4, 2020	Flatbush, Brooklyn	<i>People</i> , ¶ 59
48	June 4, 2020	Brooklyn Bridge	<i>People</i> , ¶ 59
49	June 4, 2020	Midtown, Manhattan	<i>People</i> , ¶ 59
50	June 4, 2020	Flushing, Queens	<i>People</i> , ¶ 59
51	June 4, 2020	Central Park West, Manhattan	<i>People</i> , ¶ 59
52	June 5, 2020	Crown Heights, Brooklyn	<i>People</i> , ¶ 60
53	June 5, 2020	Sunset Park, Brooklyn	<i>People</i> , ¶ 60
54	June 5, 2020	Staten Island	<i>People</i> , ¶ 60
55	June 5, 2020	Near Gracie Mansion, Manhattan	<i>People</i> , ¶ 60
56	June 5, 2020	Barclays Center to Downtown Brooklyn	<i>People</i> , ¶ 60
57	June 5, 2020	Nostrand Ave., Brooklyn	<i>Payne</i> , ¶ 71
58	June 6, 2020	Financial District, Manhattan	<i>People</i> , ¶ 61
59	June 7, 2020	Upper East Side, Manhattan	<i>People</i> , ¶ 61
60	June 8, 2020	Times Square, Manhattan	<i>People</i> , ¶ 61
61	June 14, 2020	Times Square, Manhattan	<i>Payne</i> , ¶ 74
62	June 28, 2020	Foley Square to West Village, Manhattan (incl. Washington Square Park)	<i>People</i> , ¶ 62 <i>Payne</i> , ¶¶ 78, 174-180, 209-210
63	June 23-30, 2020	City Hall Park, Manhattan	<i>Payne</i> , ¶ 74



<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
64	July 3, 2020	City Hall Park, Manhattan	<i>People</i> , ¶ 63
65	July 11, 2020	Dyker Heights, Brooklyn	<i>Sow</i> , ¶ 101
66	July 12, 2020	Bay Ridge, Brooklyn	<i>Sow</i> , ¶ 102
67	July 15, 2020	Brooklyn Bridge Pedestrian Path	<i>People</i> , ¶¶ 408-421
68	July 28, 2020	Kips Bay, Manhattan	<i>People</i> , ¶ 64
69	September 11, 2020	McCarren Park, Brooklyn	<i>People</i> , ¶ 65
70	September 17, 2020	Foley Square, Manhattan	<i>Payne</i> , ¶ 76
71	September 19, 2020	Times Square, Manhattan	<i>Payne</i> , ¶ 77
72	September 26, 2020	Washington Square Park and Near Sixth Precinct Stationhouse, Manhattan	<i>People</i> , ¶ 66
73	October 6, 2020	Borough Park, Brooklyn	<i>Sow</i> , ¶ 103
74	October 7, 2020	Bedford-Stuyvesant, Brooklyn	<i>People</i> , ¶ 67
75	October 25, 2020	Coney Island, Brooklyn to near Trump Tower, Manhattan, to Brooklyn Park	<i>Sow</i> , ¶ 104
76	November 1, 2020	Hell's Kitchen, Manhattan	<i>Sow</i> , ¶ 105
77	November 4, 2020	Washington Square Park, W. 8 <sup>th</sup> and Greenwich Ave., Manhattan	<i>People</i> , ¶¶ 68, 388-389
78	November 4, 2020	Central Park to Union Square, Manhattan	<i>People</i> , ¶ 68, 390-393 <i>Payne</i> , ¶ 78
79	November 5, 2020	West Village to Union Square, Manhattan	<i>People</i> , ¶ 69 <i>Payne</i> , ¶ 79
80	December 2, 2020	Staten Island	<i>Sow</i> , ¶ 106
81	December 11, 2020	Downtown Brooklyn	<i>People</i> , ¶ 70
82	January 12-16, 2021	Downtown Brooklyn	<i>Payne</i> , ¶ 138
83	January 18, 2021	Barclays Center, Brooklyn to City Hall Park, Manhattan	<i>People</i> , ¶¶ 71, 112-113 394-398 <i>Payne</i> , ¶¶ 80, 139-140

## **Schedule B: Production Specifications**

### **1. FILE FORMATS**

- 1.1 Each document shall be provided with all of its attachments with family relationships indicated using the BegBatesAttach and EndBatesAttach metadata fields described in 4.1 below. Delivery should be via secure file transfer to the following email addresses: travis.england@ag.ny.gov.
- 1.2 All documents shall be produced by custodian.
- 1.3 All documents shall be produced in standard single-page Group IV TIFF format (or, with respect to documents containing responsive information that is only coherently viewable in color, JPG format), except that the following shall be produced in native format:
  - (a) any audio, audiovisual, video, and any other file that is unreadable or has limited accessibility in the Group IV TIFF format;
  - (b) Microsoft Excel files and other spreadsheets; and
  - (c) Powerpoint files.
- 1.4 The parties shall meet and confer in good faith to determine a reasonable manner for producing the relevant information to the extent a response to discovery requires production of information contained in a database or any other format not reasonably producible in TIFF or native format.
- 1.5 Documents produced in TIFF format shall be produced with Bates numbers stamped on each page. Bates numbers shall be of constant length, be sequential across a document and its attachments, be unique across the entire production, and contain no special characters except dashes.
- 1.6 Any native files that are produced shall also be produced with a one-page Bates-numbered TIFF image slip-sheet stating "Document has been produced in native format."
- 1.7 The responding party will make reasonable efforts to ensure that documents produced in TIFF format are readable. For good cause, the requesting party may request that documents originally produced in TIFF format be re-produced in native format, which request shall not unreasonably be denied. The requesting party shall identify documents for re-production by Bates number and provide an explanation of the need for native files.
- 1.8 The responding party will make reasonable efforts to process fully all documents for production. For any documents not fully processed, the responding party shall produce a TIFF image with the reason the document was not processed.
- 1.9 A Concordance-compatible load file and image load file (i.e., DAT and OPT load files) shall be included with each production.

- 1.10 Any redactions applied to documents shall contain text indicating the basis for redaction (e.g., “Privileged”).

## 2. **EXTRACTED TEXT**

- 2.1 For each document, the responding party shall provide a text file containing the text extracted directly from the native electronic version of that document, unless the document was redacted, is an image file, is a scanned hardcopy document, or is in another format from which text cannot be reasonably extracted. In these instances, provide a text file created using optical character recognition (OCR) to the extent reasonably practicable.
- 2.2 The text file name containing the extracted or OCR text should be named with the BegBates number of the document.

## 3. **DEDUPLICATION**

- 3.1 A document is an exact duplicate of another document only if it and all its family members have the same MD5 or SHA-1 hash values as the other document and its family members.
- 3.2 If a document and its exact duplicates are associated with the same custodian, the responding party shall withhold the exact duplicates from production.
- 3.3 If a document and its exact duplicates are associated with different custodians, the responding party shall withhold the exact duplicates from production and provide a metadata field for the produced document indicating the custodians for whom duplicates were withheld.

## 4. **METADATA**

- 4.1 For each document, the responding party shall provide the metadata specified below, to the extent they can reasonably be extracted or otherwise provided, in a delimited text file.

Metadata Field	Description	Examples
<b>Production Metadata Fields for All Documents</b>		
BegBates	Bates number for the first page of the document	[Bates Prefix]-00000001
EndBates	Bates number for the last page of the document	[Bates Prefix]-00000010
BegBatesAtt	Bates number for the first page of the parent document (i.e., an email or other document containing attachments)	[Bates Prefix]-00000001
EndBatesAtt	Bates number of the last page of the last attachment to the parent document	[Bates Prefix]-00000015

Metadata Field	Description	Examples
Custodians_All	Name of the custodian or custodians who possessed this item or exact duplicates thereof.	Jones, Barbara
RecordType	Type of item being produced	Email, Email Attachment, Electronic Document, Hardcopy Document
FilePath	Original location of the file when collected from the source custodian or system	C:\My Documents\Deal Documents
FileSize	Size of the native file document/email in KB	3,547
Prod_Native	File path to the native file on the production media if applicable (a.k.a. production file path)	Prefix001\NATIVES\000\Prefix00000001.msg
Prod_Text	File path to the extracted text file on the production media	Prefix001\TEXT\000\Prefix00000001.msg
MD5Hash	The MD5 hash value for the item	
SHA1Hash	The SHA-1 hash value for the item	
Designation	The confidentiality designation of the document, if any	Confidential, Highly Confidential
Redaction	For documents containing redactions, the basis for such redactions	Privileged, Personal, Proprietary
<b>Additional Document Metadata Fields for Electronic Documents and Attachments</b>		
FileName	Original name of the file when collected from the source custodian or system	exampledoc.doc, file.xls
FileExt	File type extension of native file	xls, doc, ppt, mp3
FileType	File type or application used to create the underlying native file	Excel, Word, PowerPoint, MP3
Title	Title of the document	Purchase Agreement
Author	Author of the document	Barbara Jones
TimeZone	The time zone in which electronic documents were standardized during conversion.	GMT
MasterDate	For emails and their attachments, the sent date of the parent email	MM/DD/YYYY
MasterTime	For emails and their attachments, the sent time of the parent email, using a 24-hour clock	HH:MM:SS

Metadata Field	Description	Examples
DateCreated	Date the item was created	MM/DD/YYYY
TimeCreated	Time the item was created, using a 24-hour clock	HH:MM:SS
DateLastModified	Date the item was last modified	MM/DD/YYYY
TimeLastModified	Time the item was last modified, using a 24-hour clock	HH:MM:SS
<b>Additional Document Metadata Fields for Email and Other Electronic Communications</b>		
DateSent	Date the email message was sent, using a 24-hour clock	MM/DD/YYYY
TimeSent	Time the email message was sent, using a 24-hour clock	HH:MM:SS
Date Received	Date the email message was received, using a 24-hour clock, in Greenwich Mean Time (GMT)	MM/DD/YYYY
TimeReceived	Time the email message was received, using a 24-hour clock	HH:MM:SS
To	Addressee(s) of the email message	Barbara Jones barbarajones@co.com
From	Name and email address of the person who sent the email message	Barbara Jones barbarajones@co.com
CC	Recipient(s) included in the “cc” line of the email message	Barbara Jones barbarajones@co.com
BCC	Recipient(s) included in the “bcc” line of the email message	Barbara Jones barbarajones@co.com
Subject	Subject line of the email message	FW: your message
EmailPath	The original location of email	Personal Folders\Sent Items\
Conversation Index	A field indicating whether an email message is part of a conversation thread with other email messages.	

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In Re: New York City Policing  
During Summer 2020 Demonstrations

20 Civ. 8924 (CM)(GWG)

This filing is related to:

ALL CASES

**PLAINTIFFS' FIRST CONSOLIDATED SET OF INTERROGATORIES TO ALL  
DEFENDANTS**

Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure and Local Civil Rules 26.3 and 33.3 of the Southern District of New York, plaintiffs in these consolidated actions<sup>1</sup> (“Plaintiffs”) request that defendants City of New York, Mayor Bill de Blasio, New York City Police Department (“NYPD”) Police Commissioner Dermot F. Shea, and other defendants named in the pleadings in these actions (“Defendants”), answer the following interrogatories under oath, and separately and fully in writing, within thirty (30) days of service hereof, or such shorter time as the Court orders or the parties stipulate.

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<sup>1</sup> Pursuant to the Court’s February 22, 2021 Order (ECF No. 40), the following cases have been consolidated for pretrial purposes: *Payne, et al, v. Mayor Bill De Blasio*, No. 20 Civ. 8924; *Sierra, et al, v City of New York*, No. 20 Civ. 10291; *Wood v. City of New York*, No. 20 Civ. 10541; *People of the State of New York v City of New York*, No. 21 Civ. 322; *Sow, et al, v. City of New York*, 21 Civ. 533 and *Yates v. City of New York et al*, 21 Civ. 1904. Plaintiffs in all consolidated actions hereby serve their first consolidated set Interrogatories to all Defendants in the consolidated actions without prejudice to plaintiffs in any given action supplementing these consolidated Interrogatories with additional case-specific Interrogatories.

### **DEFINITIONS**

1. Plaintiffs incorporate by reference herein the Uniform Definitions in Discovery Requests set out in Rule 26.3 of the Local Civil Rules of the United States District Court for the Southern and Eastern Districts of New York (the “Local Civil Rules”).
2. “Arrest” means an Officer’s seizure, detention, or arrest of a person, including but not limited to for the purpose of issuing them a C-Summons (“summons”) or Desk Appearance Ticket (“DAT”) or fully processing them for arraignment.
3. “City” and “NYPD” are to be construed to include each other, such that a request for the names of certain NYPD employees, *e.g.*, should be construed to include employees of any agency of the City of New York.
4. “Complaints” means the Complaint, or any superseding amended Complaint, filed in each of these consolidated actions: *Payne, et al, v. Mayor Bill De Blasio*, No. 20 Civ. 8924; *Sierra, et al, v. City of New York*, No. 20 Civ. 10291; *Wood v. City of New York*, No. 20 Civ. 10541; *People of the State of New York v. City of New York*, No. 21 Civ. 322; and *Sow, et al, v. City of New York*, 21 Civ. 533; *Yates v. City of New York et al*, 21 Civ. 904 (together, the “Actions”).
5. “Date” means the exact day and time, month, and year if ascertainable, or if not, the best approximation (including relationship to other events).
6. “Defendants” include each and every defendant named in the Complaints.
7. “Identify” means, in addition to any specific instructions or requested information in an Interrogatory, the response must state:

- a. when referring to an oral communication, the date, subject matter, communicator, recipient of the communication, nature of the communication, whether it was recorded, and identity of any witness thereto.
  - b. when referring to a document, the type of document (e.g. letter, memorandum, email, excel chart, etc.), date, author or originator, addressee(s), signatories, title or subject matter, present location, and the name and address of the current custodian of such document or, if unknown, the present custodian of any copy thereof and the last known address of each such custodian.
  - c. when referring to a person, to the extent known, the person's full name, present or last known complete address, and, in addition, when referring to a natural person, the person's present or last known place of employment or business affiliation (including complete address), position, and the person's place of employment during the relevant time period, defined in the Instructions below.
8. "Officer" means a member of service of the NYPD, regardless of rank, including but not limited to any and all officers, detectives, sergeants, lieutenants, captains, chiefs, and/or deputy commissioners.
9. "Person" means any natural person, association, business, group, organization, legal entity, government entity, or other entity.
10. "Protests" means any and all protests, demonstrations, or gatherings at the Protest Locations identified on the **attached Schedule A** and/or referenced in any of the Complaints.



### **INSTRUCTIONS**

1. Each interrogatory operates and shall be responded to independently, and unless otherwise indicated, no interrogatory limits the scope of any other interrogatory.
2. If an objection is made to any part of an interrogatory, the response shall state that there is an objection to the interrogatory and the legal and factual basis for such objection.
3. No part of an interrogatory shall be left unanswered merely because an objection is made to another part of the interrogatory.
4. If any interrogatory demands an answer that any Defendant claims may be withheld due to privilege, work product or any other privilege or immunity from disclosure, Defendants shall answer any portion of the interrogatory that is not subject to such a claim, and shall indicate with specificity and particularity the basis of said withholding, including:
  - a. the identity of the person(s) having knowledge of the information;
  - b. the identity of all persons to whom the information was communicated or otherwise made available;
  - c. the job title or position of every person identified in response to subparagraphs (a) and (b);
  - d. the date(s) on which the information was received or became known by each person having knowledge of its existence;
  - e. a brief description of the nature and subject matter of the information; and the statute, rule or decision that is claimed to give rise to the privilege.
5. If the response to any interrogatory consists in whole or in part of an objection based upon undue burden, then with respect to such response: (a) provide such information as

can be ascertained without undue burden; and (b) state with particularity the basis for such objection, including a description of the process or method required to obtain the response to the interrogatory and the estimated cost and time required to obtain the response to the interrogatory.

6. If Defendants cannot answer any interrogatory in full after exercising due diligence to secure the information to do so, please so state and answer the interrogatory to the extent possible, explaining any inability to answer the remainder of any such interrogatory and stating all information or knowledge presently available to Defendants concerning the unanswered portion of said interrogatory.
7. Unless otherwise indicated, the relevant time period for purposes of these Interrogatories is between May 1, 2020, until the present.
8. In addition to following the rules of construction in Rule 26.3(d) of the Local Civil Rules, whenever necessary to bring within the scope of the interrogatory responses that might be otherwise construed outside to be outside their scope, construe:
  - a. the use of the singular form of any word as including the plural and vice versa;
  - b. the use of a verb in any tense as the use of that verb in all other tenses; and
  - c. the use of the feminine, masculine, or neuter genders as including all genders.
9. The Interrogatories are continuing in nature. In accordance with Rule 26(e) of the Federal Rules of Civil Procedure, Defendants are required promptly to serve supplementary responses and produce additional documents if Defendants obtain further or different information.

## **INTERROGATORIES**

### **Interrogatory No. 1:**

For each Protest Location listed on the **attached Schedule A**, identify each and every Officer present, deployed, or otherwise involved in performing official duties at or near such Protest Location, including but not limited to the Officer's full name, shield number, tax identification number, assigned command, and rank of each Officer, and their assignment post, including the time present at each Protest Location.

### **Interrogatory No. 2:**

For each Protest Location listed on the **attached Schedule A**, identify each and every Incident Commander(s) in command.

### **Interrogatory No. 3:**

For each Protest Location listed on the **attached Schedule A**, identify the Highest Ranking Patrol Service Borough Uniformed member on scene.

### **Interrogatory No. 4:**

For each Protest Location listed on the **attached Schedule A**, identify each and every Officer from the NYPD Legal Bureau who was involved in the police response.

### **Interrogatory No. 5:**

For each Protest Location listed on the **attached Schedule A**, identify each and every NYPD Strategic Response Group ("SRG") Officer assigned or who performed any of the "Assignments" described in Sections I and II of the March 2019 SRG Guide.

### **Interrogatory No. 6:**

For each Protest Location listed on the **attached Schedule A**, identify each and every person who NYPD personnel stopped, detained, questioned, or Arrested (including those released and

issued summonses or desk appearance tickets, or who were processed “on-line”) at or near such Protest Location, including but not limited to:

- a) the person’s full name, address, phone number, date of birth, arrest number, summons number, New York State Identification Number (NYSID), desk appearance ticket identifier, Stop Report number, and any other personal or NYPD identifying information; and
- b) the full name, rank, shield number, tax identification number, and assigned command, of all Officers involved in each of the encounters with persons identified in this interrogatory.

**Interrogatory No. 7:**

Identify each and every individual who has submitted a complaint to any agency of the City (including but not limited to the Civilian Complaint Review Board (“CCRB”), the NYC Department of Investigation (“DOI”), or the NYC Law Department), and/or NYPD by any means, directly or indirectly including complaints filed with other New York City agencies that were forwarded to the NYPD or any other entity for investigation or reference, regarding any interaction with or observation of NYPD personnel at or near the Protest Locations listed on **the attached Schedule A.**

**Interrogatory No. 8:**

Identify each and every Officer associated with or otherwise involved in the factual circumstances giving rise to any and all Complaints by persons identified in response to **Interrogatory No. 7** above.

**Interrogatory No. 9:**

Identify each and every Officer who was disciplined, or recommended to receive such discipline, for conduct occurring at or relating to any of the Protests occurring at or near the Protest Locations listed on the **attached Schedule A**.

**Interrogatory No. 10:**

Identify each and every individual employed by the City or any of its agencies, including the Office of the Mayor, who communicated with NYPD personnel regarding the NYPD's response to the Protests occurring at or near the Protest Locations listed on the **attached Schedule A**.

**Interrogatory No. 11:**

Identify any and all personnel of the Office of the Mayor or the Mayor's Office of Criminal Justice present at any of the Protests listed on the **attached Schedule A**.

**Interrogatory No. 12:**

For each plaintiff or person identified in the Complaints, and for each other person identified in response to **Interrogatory No. 6** above, identify each and every Officer who directly observed that person or their conduct.

**Interrogatory No. 13:**

For each plaintiff or person identified in the Complaints, and for each other person identified in response to **Interrogatory No. 6** above, identify each and every Officer who determined there was probable cause to Arrest that person, prior to their Arrest.

**Interrogatory No. 14:**

Identify each event since 2000 in connection with which the NYPD opened up or utilized a Mass Arrest Processing Center, including in compliance with the NYPD Patrol Guide provisions and other policies related to making and processing mass and/or large-scale arrests

Dated: March 25, 2021

/s/ Travis W. England

Jessica Clarke

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**Schedule A: List of Protest Locations<sup>2</sup>**

<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
1	May 28, 2020	Lafayette Street to City Hall, Manhattan	<i>People</i> , ¶ 51 <i>Sow</i> , ¶ 65
2	May 28, 2020	Union Square, Manhattan	<i>People</i> , ¶¶ 128-132 <i>Payne</i> , ¶ 44 <i>Sow</i> , ¶ 65
3	May 29, 2020	Foley Square Manhattan to Near Barclays Center, Brooklyn via Brooklyn Bridge	<i>People</i> , ¶¶ 52, 193-195, 196-202 <i>Payne</i> , ¶ 45 <i>Sow</i> , ¶ 65 <i>Wood</i> , ¶¶ 45-47
4	May 29, 2020	Clinton Hill, Brooklyn	<i>People</i> , ¶¶ 52, 133-140, 223-226
5	May 29, 2020	Fort Greene, Brooklyn	<i>People</i> , ¶ 52
6	May 29, 2020	Bedford-Stuyvesant, Brooklyn (Herbert von King Park), Brooklyn	<i>People</i> , ¶¶ 141-149, 161-163
7	May 29, 2020	Pacific Street and Flatbush Avenue, Brooklyn	<i>People</i> , ¶¶ 215-219 <i>Wood</i> , ¶¶ 48-50
8	May 29, 2020	Union Square, Manhattan	<i>People</i> , ¶ 52
9	May 29, 2020	Herald Square, Manhattan	<i>People</i> , ¶ 52
10	May 30, 2020	Jackson Heights, Queens	<i>People</i> , ¶ 53
11	May 30, 2020	Park Slope, Brooklyn	<i>People</i> , ¶ 53
12	May 30, 2020	East Flatbush, Brooklyn	<i>People</i> , ¶¶ 53, 312-317 <i>Sow</i> , ¶ 67
13	May 30, 2020	Near Bedford & Tilden Aves., Brooklyn	<i>People</i> , ¶¶ 178-192, 235-236
14	May 30-31, 2020	Barclays Center to Flatbush Extension, Brooklyn	<i>People</i> , ¶¶ 203-207, 107-114 <i>Payne</i> , ¶¶ 47-48, 107-115
15	May 30, 2020	Harlem / West Side Highway, Manhattan	<i>People</i> , ¶¶ 402-407
16	May 30, 2020	Union Square to FDR Drive/Lower East Side, Manhattan	<i>Payne</i> , ¶¶ 50, 117-123 <i>Sow</i> , ¶¶ 130-151
17	May 30, 2020	City Hall to Brooklyn Bridge, Manhattan	<i>Sow</i> , ¶¶ 152-177
18	May 31, 2020	Near Barclays Center, Brooklyn	<i>People</i> , ¶ 54 <i>Sow</i> , ¶ 68

<sup>2</sup> The allegations listed in this table reference those in the Amended Complaints in *People*, No. 21 Civ. 322 (ECF No. 51), *Payne*, No. 20 Civ. 8224 (ECF No. 54), *Sierra*, No. 20 Civ. 10291 (ECF No. 38), *Sow*, 21 Civ. 533 (ECF No. 49) and *Wood*, 20 Civ. 10541 (ECF No. 48) and the Complaint in *Yates*, No. 21 Civ. 1904 (ECF No. 1).

<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
19	May 31, 2020	Downtown Brooklyn to multiple bridges	<i>People</i> , ¶ 54
20	May 31, 2020	Brooklyn Bridge	<i>People</i> , ¶ 54
21	May 31, 2020	From Manhattan Bridge to Chinatown, Church Avenue, and/or across Canal Street, Manhattan	<i>People</i> , ¶ 54 <i>Yates</i> , ¶¶ 13-21 <i>Wood</i> , ¶¶ 51-54
22	May 31, 2020	Near Williamsburg Bridge, Manhattan	<i>People</i> , ¶ 54
23	May 31, 2020	Broadway to E. 11 <sup>th</sup> St. & Near Union Square, Manhattan	<i>People</i> , ¶¶ 155-160, 231-234  <i>Payne</i> , ¶¶ 125-130
24	May 31, 2020	Times Square, Manhattan	<i>People</i> , ¶ 54
25	May 31, 2020	F.D.R. Drive, Manhattan	<i>People</i> , ¶¶ 208-210
26	June 1, 2020	Midtown, Manhattan	<i>People</i> , ¶¶ 55, 227-230 <i>Payne</i> , ¶ 53 <i>Sow</i> , ¶¶ 208-219
27	June 1, 2020	East Village, Manhattan	<i>People</i> , ¶ 55
28	June 1, 2020	Near Union Square Park, Manhattan	<i>People</i> , ¶ 55 <i>Payne</i> , ¶ 53
29	June 1, 2020	Near Barclays Center, Brooklyn, Crossing Manhattan Bridge into Times Square & Near Port Authority, Manhattan	<i>People</i> , ¶ 55 <i>Sow</i> , ¶¶ 180-206
30	June 1, 2020	Fordham Manor, Bronx	<i>People</i> , ¶ 55
31	June 1, 2020	Astoria Park, Queens	<i>People</i> , ¶ 55
32	June 1, 2020	Flushing, Queens	<i>People</i> , ¶ 55
33	June 2, 2020	Lower Manhattan/Foley Square to Central Park, Manhattan	<i>People</i> , ¶¶ 56, 318-323 <i>Payne</i> , ¶¶ 131-136
34	June 2, 2020	Union Square, Manhattan	<i>People</i> , ¶¶ 56
35	June 2, 2020	Near Barclays Center, Brooklyn to Manhattan Bridge	<i>People</i> , ¶¶ 330-336
36	June 2, 2020	Upper West Side, Manhattan	<i>People</i> , ¶¶ 56, 423-430
37	June 2, 2020	Astor Place, Manhattan	<i>People</i> , ¶ 56
38	June 2, 2020	Chelsea, Manhattan	<i>People</i> , ¶ 56 <i>Payne</i> , ¶ 54
39	June 2, 2020	Near West Side Highway, Manhattan	<i>Payne</i> , ¶ 54 <i>Sow</i> , ¶¶ 220-237, 239-282
40	June 2, 2020	Bryant Park to Midtown, Manhattan	<i>People</i> , ¶ 57 <i>Wood</i> , ¶¶ 55-59
41	June 3, 2020	Cadman Plaza, Brooklyn	<i>People</i> , ¶¶ 57, 164-168, 337-346 <i>Payne</i> , ¶¶ 55, 143-159

<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
			<i>Sow, ¶ 83</i> <i>Wood, ¶¶ 65-66</i>
42	June 3, 2020	Maria Hernandez Park, Brooklyn	<i>People, ¶ 57</i>
43	June 3, 2020	Midtown East/Upper East Side, Manhattan	<i>People, ¶¶ 57, 237-246, 347-354</i> <i>Sow, ¶ 84-85, 284-309</i> <i>Wood, ¶¶ 60-64</i>
44	June 4, 2020	Mott Haven, Bronx	<i>People, ¶¶ 58, 169-170, 247-255, 284-310, 366-387</i> <i>Wood, ¶¶ 116-167</i> <i>Payne, ¶¶ 59-65, 161-173, 182-192, 194-200</i> <i>Sierra, ¶¶ 41-124</i> <i>Sow, ¶¶ 86-93, 310-329, 332-345, 348-390, 392-418</i>
45	June 4, 2020	McCarren Park to South Williamsburg, Brooklyn	<i>People, ¶¶ 355-365</i> <i>Payne, ¶¶ 58, 202-206</i> <i>Wood, ¶¶ 67-68</i> <i>Sow, ¶ 84-85</i>
46	June 4, 2020	Clinton Hill and Prospect Heights, Brooklyn	<i>People, ¶ 59</i>
47	June 4, 2020	Flatbush, Brooklyn	<i>People, ¶ 59</i>
48	June 4, 2020	Brooklyn Bridge	<i>People, ¶ 59</i>
49	June 4, 2020	Midtown, Manhattan	<i>People, ¶ 59</i>
50	June 4, 2020	Flushing, Queens	<i>People, ¶ 59</i>
51	June 4, 2020	Central Park West, Manhattan	<i>People, ¶ 59</i>
52	June 5, 2020	Crown Heights, Brooklyn	<i>People, ¶ 60</i>
53	June 5, 2020	Sunset Park, Brooklyn	<i>People, ¶ 60</i>
54	June 5, 2020	Staten Island	<i>People, ¶ 60</i>
55	June 5, 2020	Near Gracie Mansion, Manhattan	<i>People, ¶ 60</i>
56	June 5, 2020	Barclays Center to Downtown Brooklyn	<i>People, ¶ 60</i>
57	June 5, 2020	Nostrand Ave., Brooklyn	<i>Payne, ¶ 71</i>
58	June 6, 2020	Financial District, Manhattan	<i>People, ¶ 61</i>
59	June 7, 2020	Upper East Side, Manhattan	<i>People, ¶ 61</i>
60	June 8, 2020	Times Square, Manhattan	<i>People, ¶ 61</i>
61	June 14, 2020	Times Square, Manhattan	<i>Payne, ¶ 74</i>
62	June 28, 2020	Foley Square to West Village, Manhattan (incl. Washington Square Park)	<i>People, ¶ 62</i> <i>Payne, ¶¶ 78, 174-180, 209-210</i>
63	June 23-30, 2020	City Hall Park, Manhattan	<i>Payne, ¶ 74</i>

<b><u>Protest No.</u></b>	<b><u>Date</u></b>	<b><u>Approximate Location</u></b>	<b><u>Complaint Allegations</u></b>
64	July 3, 2020	City Hall Park, Manhattan	<i>People</i> , ¶ 63
65	July 11, 2020	Dyker Heights, Brooklyn	<i>Sow</i> , ¶ 101
66	July 12, 2020	Bay Ridge, Brooklyn	<i>Sow</i> , ¶ 102
67	July 15, 2020	Brooklyn Bridge Pedestrian Path	<i>People</i> , ¶¶ 408-421
68	July 28, 2020	Kips Bay, Manhattan	<i>People</i> , ¶ 64
69	September 11, 2020	McCarren Park, Brooklyn	<i>People</i> , ¶ 65
70	September 17, 2020	Foley Square, Manhattan	<i>Payne</i> , ¶ 76
71	September 19, 2020	Times Square, Manhattan	<i>Payne</i> , ¶ 77
72	September 26, 2020	Washington Square Park and Near Sixth Precinct Stationhouse, Manhattan	<i>People</i> , ¶ 66
73	October 6, 2020	Borough Park, Brooklyn	<i>Sow</i> , ¶ 103
74	October 7, 2020	Bedford-Stuyvesant, Brooklyn	<i>People</i> , ¶ 67
75	October 25, 2020	Coney Island, Brooklyn to near Trump Tower, Manhattan, to Brooklyn Park	<i>Sow</i> , ¶ 104
76	November 1, 2020	Hell's Kitchen, Manhattan	<i>Sow</i> , ¶ 105
77	November 4, 2020	Washington Square Park, W. 8 <sup>th</sup> and Greenwich Ave., Manhattan	<i>People</i> , ¶¶ 68, 388-389
78	November 4, 2020	Central Park to Union Square, Manhattan	<i>People</i> , ¶ 68, 390-393 <i>Payne</i> , ¶ 78
79	November 5, 2020	West Village to Union Square, Manhattan	<i>People</i> , ¶ 69 <i>Payne</i> , ¶ 79
80	December 2, 2020	Staten Island	<i>Sow</i> , ¶ 106
81	December 11, 2020	Downtown Brooklyn	<i>People</i> , ¶ 70
82	January 12-16, 2021	Downtown Brooklyn	<i>Payne</i> , ¶ 138
83	January 18, 2021	Barclays Center, Brooklyn to City Hall Park, Manhattan	<i>People</i> , ¶¶ 71, 112-113 394-398 <i>Payne</i> , ¶¶ 80, 139-140